

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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U.S. BANK, N.A.,

Plaintiff(s),

v.

SFR INVESTMENTS POOL 1, LLC,

Defendant(s).

Case No. 2:15-CV-1527 JCM (NJK)

ORDER

Presently before the court is a motion to stay filed by crossdefendant Mortgage Electronic Registration Systems, Inc. (“MERS”) and defendant/crossclaimant SFR Investments Pool 1, LLC. (“SFR” and collectively with MERS, as “movants”). (ECF No. 47).

Movants argue that a stay is appropriate because *Saticoy Bay LLC Series 350 Durango 104 v. Wells Fargo Home Mortgage, a division of Wells Fargo, N.A.*, 33 Nev. Adv. Op. 5, --- P.3d ---, 2017 WL 398426 (Nev. Jan. 26, 2017), and *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), create a split on the constitutionality issue between state and federal courts. (ECF No. 47).

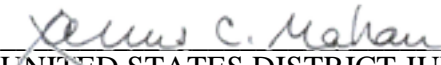
However, “[i]t is well established that a state court’s interpretation of its statutes is binding on the federal courts ***unless a state law is inconsistent with the federal Constitution.***” *Hangarter v. Provident Life & Acc. Ins. Co.*, 373 F.3d 998, 1012 (9th Cir. 2004) (citing *Adderley v. Florida*, 385 U.S. 39, 46 (1966)) (emphasis added). Here, the state statute at issue is inconsistent with the due process clause of the federal Constitution.

Accordingly,

IT IS HEREBY ORDERED that movants’ motion to stay (ECF No. 47) be, and the same hereby is, DENIED.

1 Scheduling will proceed as set forth in the scheduling order (ECF No. 43).

2 DATED March 15, 2017.

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4 UNITED STATES DISTRICT JUDGE